

NEBRASKA ADMINISTRATIVE CODE

Title 69 - Department of Correctional Services

Chapter 2 - CODE OF ETHICS AND CONDUCT

001 Applicability. The provisions of this rule shall apply to all employees of the Department of Correctional Services.

002 Department Policy. This Department is charged with the responsibility for providing inmates with opportunities for rehabilitation in an atmosphere conducive to rehabilitation. That responsibility is unique among state agencies, and warrants a code of ethics and conduct for employees of the Department. The responsibility of the Director to appoint or remove employees of the Department and to delegate appropriate powers and duties to them lies in Nebraska Revised Statutes. This code of ethics and conduct supplements the Nebraska statutes. It may be supplemented by operational memoranda issued by the Department's facilities that are consistent with this rule.

003 Procedure.

003.01. Employee / Offender Relationships. Employees will conduct themselves in a professional manner when dealing with inmates and parolees.

003.01A. Employees will keep their conversation with inmates/parolees on a professional level at all times, and will refrain from discussing their personal lives and activities with them.

003.01B. Employees shall not introduce contraband into any facility. Contraband is defined as any article not officially issued, purchased, or brought into the facility via proper channels.

003.01C. Employees shall not accept or issue bribes, gifts or gratuity, nor grant favors or solicit or accept favors, loans or gifts of any kind from inmates/parolees or their family or friends.

(New promulgated rule)

003.01D. Employees shall not engage in trading or trafficking with inmates/parolees. This includes selling, buying from, or delivery to any inmate/parolee any article or commodity of any description, except through authorized channels.

003.01E. Employees shall not develop personal relationships with inmates/parolees outside their professional responsibilities. Employees shall not develop social relationships with the families of inmates or parolees outside their professional responsibilities. An employee having a pre-existing relationship with inmates, parolees, or their families must report it to his or her supervisor.

003.01F. Employees shall not work for the parole, pardon, commutation of sentence or other appeal of any inmate/parolees, write letters on their behalf in an unofficial capacity, or interest themselves in same without prior approval of the Chief Executive Officer.

003.01G. Employees shall not give or loan an inmate/parolee money for any reason, with the exception of approved purchases while on official trips outside the institution.

003.01H. Employees shall not use profane or abusive language toward an inmate/ parolee, nor shall employees reply in like terms to any impudent act or insulting or profane language on the part of an inmate/parolee.

003.01I. Employees shall not convey messages to or from inmates/parolees, nor to or from their families or friends, except in the line of official duty.

003.01J. Employees shall not bring articles of any kind into the institution for delivery to an inmate or take out an article of any kind for an inmate unless authorized to do so by the Chief Executive Officer.

003.01K. Employees shall not permit keys to be in the possession of an inmate unless by written authorization of the Chief Executive Officer.

003.01L. Employees shall refrain from discussing matters relating to the discipline of inmates or employees and/or the management of the facility in the presence of the inmate population.

003.01M. Employees shall not use cruel, inhumane or corporal punishment, excessive force, or in any way mistreat individuals under the Department's care, custody and control.

003.01N. Employees shall not aid and or abet an inmate/parolee in acts which disrupt institutional or Departmental policy or procedure.

003.01O. Employees shall not make terroristic threats towards inmates/parolees or other employees.

003.01P. Employees having law enforcement responsibilities may be requested to submit to polygraph examination on issues involving their employment.

003.01Q. Employees having charge, control, or direction of inmates shall not be in any manner financially interested in the work or profit of the labor of any inmate, nor receive pay, gift, gratuity or favor from any person interested in such labor.

003.01R. Employees of the Department shall not employ inmates on work in which that employee or any other employees of the Department has a personal interest nor be connected or have any interest in the business or shops belonging to the Department of Correctional Services.

003.02. Personal Accountability. Whether on or off duty, employees will conduct themselves in a manner so as not to discredit the State or this Department.

003.02A. Any employee who is arrested or issued a citation for a violation of the law, other than a minor traffic violation, will be subject to the following procedure and policies.

003.02A1. The employee must immediately notify the Chief Executive Officer of his/her alleged violation of law.

003.02A2. If the Department believes the employee has been engaged in illegal activity, the Department may question the employee about the activity as it relates to the employee's performance of job duties.

003.02A3. Refusal to answer questions of such activity as it relates to the job, may result in disciplinary action, to include dismissal.

003.02A4. Any alleged illegal activity on the part of the employee will be considered to have an impact on his or her ability to perform as a correctional employee and may result in immediate suspension from the job pending the outcome of any litigation.

003.02B. Employees shall refrain from giving any information or discussing any matter of a confidential nature with the public, pertaining to an inmate/parolee, except on an approved basis.

003.02C. No employee will wear the uniform of a correctional officer unless on duty or directly en route to or from the employee's work place. If an employee appears before a legislative committee, the Parole Board, Pardons Board, the courts, or any other administrative or judicial body, the employee shall not purport to speak on behalf of the Department, unless so authorized by the director of the Department.

003.02D. Employees shall not knowingly or deliberately withhold information concerning the violation of any Departmental rules and regulations by inmates/parolees or other employees of the Department. If an employee has knowledge of another employee's violation of this code, other rules and regulations of the Department, rules and regulation of the Department of Personnel, or city, state or federal laws, then the employee having such information shall promptly report it in full to his/her direct supervisor. In the case of misconduct by the supervisor, the employee shall report the information to the next higher supervisor in his/her chain of command.

003.02E. Employees shall not bring weapons of any kind onto Department property. No firearms, other weapons, drugs, intoxicants or other contraband articles are to be left in employee vehicles parked on Department property.

003.02F. Employees shall not leave vehicles unlocked or leave ignition keys in those vehicles while parked on Department property.

003.02G. Employees shall not abandon their assigned post without proper authorization and relief by a supervisor.

003.02H. Employees shall not misuse or convert state property to their own use or benefit.

003.02I. Employees shall report any incident which does or could lead to a major inmate or employee disruption in the work place.

003.02J. Employees shall obey a lawfully given direct order by a superior.

003.02K. Employees shall not sleep or be in an inattentive condition at their assigned duty station. Sleeping or being in an inattentive state at a post where the security of the institution, the inmate population, or other employees are at risk will be considered a major rule violation.

003.02L. Employees are personally responsible for the accuracy of their time sheets. They will take the necessary steps to preclude incidents of tardiness and will not abuse any forms of leave granted them by the state.

003.02M. Employees will not enter into acts of discrimination or workplace harassment against other employees or inmates/parolees. This includes all forms of discrimination and work place harassment based on race, color, religion, sex, national origin, age, disability, or marital status.

003.01N. Employees shall ensure that while operating a state vehicle, they obey all state laws and only use the vehicle as authorized.

003.02N(1). Employees of this Department shall not consume alcoholic beverages prior to or while operating a state vehicle. The Department will allow zero tolerance (less than .02) during any test for alcohol consumption.

003.02N(2). Employees will not transport alcoholic beverages or illegal drugs in a state vehicle.

003.02N(3). Employees will not take prescription drugs which they know will impair their ability to drive before or while operating a state vehicle.

003.02N(4). Employees will be in violation of our rules if they consume any form of illegal drug, either in or out of a state vehicle.

003.02N(5). Employees will wear seat belts, will not carry radar detectors and will not wear headphones when operating or riding in a State vehicle.

003.03. Conflicts of Interest.

003.03A. Employees will avoid activities which would conflict with their responsibility as employees of the Department of Correctional Services. Any employee who wishes to engage in additional employment must notify his or her Chief Executive Officer who shall review the employee's request to determine whether or not such additional employment would tend to conflict with the employee's responsibility to the Department. The Chief Executive Officer will notify the employee regarding the approval or disapproval of the additional employment.

003.03B. The Director has discretion by law to deal with the policy of nepotism.

003.04. Financial Accountability

003.04A. While in the discharge of his or her duties, an employee will not take action or make a decision which will cause financial benefit for him or her, or a member of his or her immediate family, or business or properties in which he or she has an interest. If by error or omission the employee becomes aware of this rule after the fact, a written statement describing the conflict of interest must be prepared by the employee and sent to the Nebraska Accountability and Disclosure Commission, with a copy to the Departments' Personnel Administrator.

003.04B. An employee will not enter into any contracts with this Department on their own behalf or on behalf of any business in which the employee has an interest. Concerning other Departments, an employee, a member of the employee's immediate family, or business with which the employee is associated can not enter into a contract valued at \$2,000.00 or more without the contract being awarded through an open public process. This process includes prior notice and public inspection as noted in the law.

003.04C. An employee will not accept gifts, loans, contributions, rewards or promise of future employment based on an agreement that the official action, or judgment of the employee would be influenced thereby. An employee will not use his or her position or confidential information received through his or her position to obtain financial gain, other than compensation provided by law for himself or herself, a member of his or her immediate family, or a business with which the employee is associated.

003.05. Political Activities. Rules and regulations governing what political activities are appropriate for state employees are clearly defined in State Personnel Rules and Regulations.

003.06. Drug Abuse. It is the policy of the Department that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance in the Department of Correctional Services' work place is prohibited. Any employees violating this policy will

be subject to discipline up to and including termination and referral to a law enforcement agency.

General Statutory Authority: Neb. Rev. Stat. Sections 83-173(5), 83-185, 81-1932, 83-443, 83-444, 49-1499, 49-14,101, 49-14,102.